



# Marshfield Public Schools

76 South River Street – Marshfield, MA 02050 ■ (781)834-5000 ■ FAX (781)834-5070

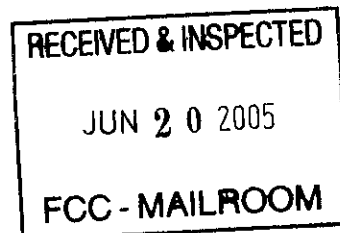
**Thomas J. Kelley**  
Superintendent

**Dr. Middleton K. McGoodwin**  
Asst. Supt. of Schools

**Dr. Robert F. Moriarty**  
Asst. Supt. of Business & Finance

**Susan D. Dupuis**  
Director of Special Education

June 16, 2005



Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: CC Docket No. 02-6  
Request for Review

**Contact Information:**

Name: Marshfield School District  
Address: 76 S River St  
Marshfield, MA 02050-2453  
Phone: 781-834-5000  
Fax: 781-834-5070  
e-mail: [Rmoriarty@MPSD.ORG](mailto:Rmoriarty@MPSD.ORG)

**SLD action being appealed:** This is an appeal of the original denial of Form 471 Application Number 454206 as reported on the Administrator's Decision on Appeal Letter for Funding Year 2005, dated April 22, 2005 (Att 1). An appeal was filed with the SLD on February 28, 2005 (Att 2). A letter from USAC called the NCS Bar Code: ERATE-277007 dated February 25, 2005 officially announced that our Form 471 was not accepted (Att 3).

Applicant Name: Marshfield School District  
Form 471 Application#: 454206  
Billed Entity #: 120496  
FRN #: 1248911  
Funding Year: 2005 – 2006

**Text from NCS Bar Code: ERATE-277007 Letter From USAC:** "The Signature in Block 6, Item 34, of the FCC Form 471 submitted is blank."

**Administrator's Decision on Appeal:** "The Form 471 Certification did not meet Minimum Processing Standards and is denied."

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**Basis for Appeal:**

1. In their letter of February 25, the SLD bases their denial on the following points:

"The Signature in Block 6, Item 34, (this is really Item 38) of the FCC Form 471 submitted is blank." That is a true statement.

2. The following is the course of events. We submitted the Form 471 electronically on-line with the SLD. We then mailed the entire form to the SLD. The SLD received the Form 471 on February 4, 2005. This was the deadline for receipt of the Form 471 to the SLD for the 2005 school year. The school district's erate contact person, Assistant Superintendent Mr. Robert Moriarty, signed a copy of the form. However it was not the signed copy of the form that was inserted into the envelope that was mailed to the SLD but another version that had not yet been signed. This was our error.

3. When we learned that the signature page had not been received by the SLD, Mr. Robert Moriarty then signed a copy of the form and we mailed it to the SLD by certified return receipt (although the signature is unreadable). Marshfield School District received the rejection letter from the SLD on February 25 and filed an appeal to the SLD on February 28, 2005.

4. We also base our appeal on the spirit (not the strict interpretation) of prior FCC decisions that have given consideration to the good intentions and due diligence of the applicant.

**Summary: We admit to a clerical error of inserting the unsigned copy of the Form 471 into the envelope. We do not think it was a twenty eight thousand five hundred and sixty eight dollar and forty cent one. We disagree with the SLD's decision based on a fundamental question of fairness. We made every effort to abide by program rules in our application.**

We contend that the SLD in its original denial and in its response to our original appeal has failed to demonstrate an attitude of basic fairness and consistency in trying to be of service to its beneficiaries. We do not deny our clerical mistake but we have paid an unjustly high price. We feel that the decision to deny our funding request should be reconsidered and sent to the Program Integrity Assurance Process as the next step with the certified signature that is on file.

Sincerely,



Thomas J. Kelley,  
Superintendent (Superintendent signing in absence of Asst. Supt. Dr. Robert Moriarty)

Marshfield School District

76 S River St

Marshfield, MA 02050-2453

Phone: 781-834-5000

Fax: 781-834-5070

e-mail: [Rmoriarty@MPSD.ORG](mailto:Rmoriarty@MPSD.ORG)

**Attachments Included:**

1. Administrator's Decision on Appeal Letter for Funding Year 2005, dated April 22, 2005, 2 pages.
2. Appeal filed with the SLD dated February 28, 2005, 1 page
3. USAC letter called the NCS Bar Code: ERATE-277007 dated February 25, 2005 that officially announced that our Form 471 was not accepted, 2 pages.

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**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2005-2006**

April 22, 2005

JoAnn Oxner  
Marshfield Public Schools  
76 South River Street  
Marshfield, MA 02050

Re: Applicant Name: MARSHFIELD SCHOOL DISTRICT  
Billed Entity Number: 120496  
Form 471 Application Number: 454206  
Funding Request Number(s): 1248911  
Your Correspondence Dated: February 28, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Form 471 Rejection Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1248911  
Decision on Appeal: Denied  
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the funding request for failure to sign Form 471, Block 6 Certification and Signature page. In support of your request, you assert that you overlooked the signing of the form, and you request that the SLD approve the Form 471 for certification.
- Upon thorough review of the appeal letter, it is determined that Block 6, Item 38, of your Form 471, postmarked on February 1, 2005, was submitted without a signature. While your certification was received within the Funding Year 2005 window, it was not signed; therefore, it was properly rejected. However, in order to receive consideration within the Funding Year 2005 window, program rules require that completed Forms 471 and certifications be received by the SLD or postmarked no later than February 18, 2005. Further, it is the responsibility of the

Att 1 p 2 of 2

applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- The Form 471 that you submitted was not complete because data was missing in Block 6, Item 38. As a result, the Form 471 was rejected for failing to meet minimum processing standards. Since you have not shown in your appeal that your Form 471 was improperly rejected or returned, your appeal is denied.
- Your Form 471 was rejected because it failed to meet Minimum Processing Standards. FCC rules require applicants to "submit a completed FCC Form 471 to the Administrator." 47 C.F.R. § 54.504(c). The Form 471 requires applicants to provide the information requested on that form. See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (FCC Form 471). "Every funding year, SLD establishes and notifies applicants of 'minimum processing standards' to facilitate efficient review of the thousands of applications requesting funding." *Request for Review by Sayville Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 5032, DA 03-3637, ¶ 3 (rel. Nov. 14, 2003); FCC Form 471 Instructions, at p. 6-9 (Oct. 2003). "When an applicant submits a Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program." *Id.*

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

Att 2 1 of 1



## ***Marshfield Public Schools***

**76 South River Street - Marshfield, MA 02050 ■ (781)834-5000 ■ FAX (781)834-5070**

**Thomas J. Kelley**  
Superintendent

**Middleton K. McGoodwin**  
Asst. Supt. of Schools

**Dr. Robert F. Moriarty**  
Asst. Supt. of Business & Finance

**Susan D. Dupuis**  
Director of Special Education

**February 28, 2005**

**Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981**

**S & L Division:**

**This letter is an appeal on our Form 471 application ID: 454206, Applicant's Form Identifier: "Internet 05/06", billed entity: Marshfield Public School District (#120496), per your letter dated February 25, 2005, NCS Bar Code: ERATE-277007, Funding Year: 2005-2006, 470 application number: 201460000461110, stating that Form 471 "did not meet Minimum Processing Standards: The Signature in Block 6, Item 34, of the FCC Form 471 submitted is blank".**

**The submittal of this form without signature was a clerical oversight.**

**Please see attached signed form in re-submittal of Form 471. Communication on this issue may be directed to JoAnn Oxner, Business Office, 76 South River St., Marshfield, MA 02050; e-mail: [joxner@mpsd.org](mailto:joxner@mpsd.org); telephone: 781-834-5000 ext. 103.**

**Thank You,**

**JoAnn Oxner  
Office of Business and Finance**

**Att: Form 471, Block 6: Certifications and Signature**

Att 3 1 of 2

**Universal Service Administrative Company**  
Schools & Libraries Division

February 25, 2005

**NCS Bar Code: ERATE-277007****Funding Year: 2005-2006****ROBERT F. MORIARTY  
MARSHFIELD SCHOOL DISTRICT  
76 S RIVER ST  
MARSHFIELD, MA 02050-2453**

Dear Applicant:

This letter is your notification that the entire FCC Form 471 Certification of the *Services Ordered and Certification Form* you submitted did not meet Minimum Processing Standards. Therefore, we are returning your Form 471 Certification with this letter, *which means that the Schools and Libraries Division (SLD) could not process any portion of it.* Here is an explanation of the specific reason(s) your Form 471 Certification did not meet the Minimum Processing Standards:

- The Signature in Block 6, Item 34, of the FCC Form 471 submitted is blank.

**TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:**

If you wish to appeal a decision of the Schools and Libraries Division (SLD), your appeal must be **RECEIVED BY THE SLD WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER.** Failure to meet this requirement will result in automatic dismissal of your appeal.

In your letter of appeal:

1. **Provide your contact information.** Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.
2. **Identify which SLD decision you are appealing.** State outright that your letter is an "appeal." Identify which SLD Letter you are appealing, referring to the FCC Form 471 Certification; the relevant Funding Year; and the date of the letter. You must include the applicant name; your Entity Number; and the Application Number, if applicable.
3. **Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal.** If your application was wholly rejected on grounds related to the entire application

(e.g., that you represent ineligible entities), you need not refer to any Funding Request Numbers in your letter of appeal.

*Att 3 2 of 2*

4. **Explain your appeal.** When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. **Provide an authorized signature on your letter of appeal.**

If you are submitting your appeal on paper to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)> or by calling the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the electronic filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington, DC 20554.

**Schools and Libraries Division**

**Universal Service Administrative Company**

**Enclosure:**

**(1) Form 471 Certification**